



**SPECIAL MEETING OF THE COMMON COUNCIL  
MIDDLETOWN CONNECTICUT  
AUGUST 1, 2016**

The Special meeting Questions to Directors of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, August 1, 2015 at 6 p.m.

**1. Mayor calls meeting to order.**

The Acting Chair opens the meeting at 6:04 p.m. and leads the public in the Pledge of Allegiance

The call of the meeting is read; the Acting Chair declares the call a legal call and the meeting a legal meeting.

**2. Questions to Directors Opens**

The Acting Chair opens the questions to directors and asks if any Council Member has questions.

Councilman Giuliano calls for Michiel Wackers; he asks on the Remington Rand remediation project is this the end of it. Mr. Wackers responds with Unisys it is; there will be some work and an annual inspection by the DEEP. Councilman Giuliano asks if we do what we are supposed to do with the cap, no liability falls on us. Mr. Wackers responds yes, so long as there is no damage to the cap. Councilman Giuliano asks on the conservation issue off Bear Hill Road; that is not the exchange of funds but a grant right. Mr. Wackers responds yes; it is to release the 4 acres on Tuttle Road.

Councilman Blanchard asks Mr. Wackers the \$78,000 for demolition; how soon after approval will demolition occur. Mr. Wackers responds what he understands what hazardous substances are there, and after he gets results, it will take a couple of days to get pricing and he will issue an emergency purchase order. He hopes it will be done quickly.

Councilman Nocera asks for Bill Russo to come forward and asks Bill to introduce Scott Lucas and Nathan Peters from Wesleyan University to update them on the plans for long term capital lease for the tennis courts at Wesleyan. Director Russo, Nathan Peters, and Scott Lucas from Wesleyan come forward to update the Council regarding the Tennis Courts. Mr. Lucas states they met a month ago regarding the partnership on the courts and they would like to have 16 double courts for NCAA tournaments and conference championships. The City would be investing in them and they would have full access to eight of them; Wesleyan would have access to eight of them. There would be opportunity for conference games and it gives both Wesleyan and the City could use them. It would be good for the City, the public and Wesleyan and they are awaiting the City's reaction to the partnership. Wesleyan will also invest \$750,000 and the city would have use of the 8 courts. They hope to get going within the next two weeks to get the resurfacing done. Long Term they will put in benches and bleachers and looking to have bathroom facilities and that would be more long term. Councilman Nocera asks if the plan is to start as soon as possible so the use will be seamless. Mr. Lucas says if weather permits, the laying of the asphalt depends on the temperature, we would be in a position that we could definitely fill in the cracks on one side and reconstruct the courts on the other side and in the spring, we would hope to resurface all eight courts. There will be some times when the courts will not be used. He states it really is weather dependent. Councilman Nocera asks if there is a back-up plan. Mr. Lucas states the back-up plan is to not resurface the newly built courts. Then we would have to see how early in the spring we could get started to get the other courts finished. We will be going out to bid shortly.

Councilman Serra calls Attorney Smith forward regarding the lease and make the Council aware of the investment in the usage. Attorney Smith states it is a 15 year capital lease and we are going halves with Wesleyan. We will have the use of the courts near the parking lot and Wesleyan, the other courts and we would have the right of usage of the other courts and Wesleyan would have a reciprocal agreement for usage on our courts. The courts have to be of the same quality and the quality would be NCAA division quarter standards. Councilman Serra states relative to other communities using the courts. Attorney Smith responds the City would have that option and all that Wesleyan is asking for in the lease is that they be indemnified for those parties which makes perfect sense. Whatever arrangement that we wanted to do with others like Cromwell, we could take care of it on our own terms but make sure Wesleyan is indemnified. Councilman Serra states those individuals would have to show their insurance. Attorney Smith responds correct. Councilman Nocera states it is not for the City

attorney, but Guy Russo. Councilman Giuliano asks on the indemnification, would it run to us as the leasehold. Attorney Smith states we would be and would have copies of their insurance.

**Noted for the Record**

Councilwoman Bartolotta enters the Chamber at 6:12 p.m.

Councilman Nocera asks for Guy Russo and addresses questions to the bond ordinance. Mr. Russo states in 1989, the City agreed to a compliance order with the Department of Energy and Environmental Protection for combined sewer overflow corrective measures and it was done before I arrived. One of the things that became evident overtime but not a priority was the fact that Columbus, Mazzotta and the area on Berlin Street immediately in front of the Water and Sewer Headquarters was not captured in those original orders and at Columbus and Mazzotta, they have degradation due to tree root intrusion and they have upset the sidewalk pavement and have worked their way down to the sewers and had strangled a couple of fire hydrants. This is a neighborhood that should have been included 25 years ago and we would like to include it with the work we anticipate will be going on at Old Mill Road and Barbara Road. We would like to append this. The proximity to these two projects is good. It is not a big project so combining it with a bigger project, like Old Mill will give us the best economy to get it done.

Councilman Serra asks the funding equation relative to the clean water fund. Mr. Russo states it is not a clean water fund qualified project, because it was not included in the original order with the DEEP so this work will be accomplished strictly with city bond funding. Councilman Serra states the good faith and credit of the City. Mr. Russo replies correct for the residents watching, it will be GO bonds; our Finance Department will take those GO Bonds and apportion those GO bonds not to the City side, except for Public Works because that is a taxable item, but for water or sewer as two separate accounts per our pro rata share. Councilman Serra asks in terms of timing relative to the condition of this. Mr. Russo responds it is overdue for both. With the trees involved, it is a public safety problem in more ways than one.

Councilman Serra states since we have the Firing Range on the agenda, he asks the Chief of Police to come forward for the plan of action that will be taken. Councilman Serra states we assume we have \$748,000 available and this is the second part. Chief McKenna states that is correct. They have a plan; January 4, you approved \$750,000 bond to mitigate noise and I asked you give me and my team more time because they would accomplish more than noise mitigation, but environmental concerns. I believe we got it right. As you all see on tonight's agenda, it is a second bond that Director Erlacher and I and General Counsel explained to Bond Counsel so the plan is the first bond will be for a dwelling on the property that will help mitigate the noise; it will have sound proofing material and a roof and the companies will guarantee a significant reduction of noise better than the original plan. The second bond is for the environmental piece and the bullet trap will mitigate environmental concerns and future concerns of construction. As we plan for the first bond, there will be heavy equipment out there. With the second bond, it should be the last time to ask for money for this project and any round fired will go into the bullet trap. He describes the trap and it will filter the contaminates and there will be no threat to the water supply. The two projects, they are meeting bond requirements and they are two phases and the companies know they can't go over the price on each phase. The building has to be erected for \$740,000 and the bullet piece has to be for \$740,000 and for \$1.5 million there should be no more problems and we will be ahead of the game because we are mitigating the environmental hazards there right now. This is two projects and we will get it right. That is the plan. He has been in touch with Bill Russo to do what he can to keep the costs down. Once you approve this money, we will talk about a building committee and the two companies they are talking to will break ground before the holidays and have it done by the spring.

Councilman Serra asks if it will take care of the FBI issue. He asks if FBI will cooperate with money. Chief McKenna responds no. We have no guarantee of any money from the feds. Councilman Serra asks about termination with the FBI. Chief McKenna replies it is a 20 year term and we have to give notice and if we back out of it, it is worded that we would have to pay anything they put in at the range. We would have to chip in for future trainings until they find a future home. Councilman Serra states the FBI has done nothing to help with the noise. Councilman Serra states this was done in 1982 and the noise was bearable, but the FBI being there, the noise is unbearable. Chief McKenna states they have tried to budget for it. We have to move on it. As a team of police officers doing the research, this is the best project out there to take care of everything and we would like assistance from the city engineer or consultant. I spoke to Bill Russo and if you vote for this we are at the point of a building committee. We have two solid companies; do you want us to eliminate one or will that be the building committee. Councilman Serra asks if one company will be there for the 22nd. Chief McKenna replies we are trying to meet that date; do you want to hear from two companies or shall we eliminate one of them. The plan, there is no better plan. We will eradicate the noise and make the water safe. We can generate revenue if there is no noise issue and one of the two companies guaranteed that. Councilman Serra states this is a seven year old problem and the sooner the better; you have been dealing with this since January, my opinion is select one and get a bid waiver.

Councilwoman Bartolotta states you are going for a bid; Chief McKenna states one has a patented design for the bullet trap and one is Troy Acoustics and they come in to fix the other company's faults. One guarantees the noise and the other one has the patented design for the

bullet catch and there is a creative way to have them both at the table. We will meet with the Mayor and get info from him to get the ball rolling. Councilwoman Bartolotta asks about the lease agreement and it was resigned 8 years ago. Chief McKenna states there is only one and it has been 8 years; it was for 20 years and it is the only one in existence. Councilwoman Bartolotta states you looked at canceling that. Chief McKenna responds they have not looked at canceling it. We are putting in \$1.5 million and they are using it but the training facility would not be what it is today if they didn't invest \$500,000 eight years ago. The Connecticut Office of the FBI has not been given money for this specific purpose. Councilwoman Bartolotta states they put \$350,000 in the upgrade. Chief McKenna states it was the building and targeting system and a watch tower. We maintain everything. I know they have attempted to get funding but they have been denied by Washington. Councilwoman Bartolotta states the firing range is near our water supply and we are spending \$1.5, if there was a way to remove the range, it would give a better quality of life to the neighborhood and would be environmentally better because of the water supply. Chief McKenna states currently, they also put in another \$750,000 in their current budget process for October, 2016. They are still trying to obtain monies. Come October, there might be a gift. Councilman Serra states if that is the case, he needs to right the bond inclusive. Chief McKenna asks this one or future one. The response is this one.

Chief McKenna asks when the building committee would be done; Councilman Serra states after the workshop of the 22nd it would be 15 days after that if approved.

Councilman Pessina asks Chief McKenna about the environmental aspect on the bullet trap; where does the lead go. Chief McKenna replies a steel plate with rubber sends them on a concrete pad and then we would call a company to remove it and they would pay us for that. The second is a filtration system and if it rained and water touches the lead and goes into the soil, it will purify the water coming off the berm and remove lead. Even if we constructed a building for the noise, the construction will turn up contaminants and this bond will take care of it as well. Councilman Pessina states it has been a number of years with you trying to get money from the FBI for this project, the only suggestion is to reach out to Patty Burke. Chief McKenna states they have. They have included it in their budget, but when the budget is approved, they have not received funds for this project. If it comes in, it is for the project and they will match at \$750,000. Councilman Pessina asks that the Mayor get our congressional people involved to help us get the money. Chief McKenna states it is disheartening and we went through DeLauro's office. He praises Captain Lozefski for all he has done for this project.

#### **Point of Information**

Guy Russo, Director of Water and Sewer, states he would like to clarify comments that have been made; the range is off contributory land of the reservoir. Any water flow is into the streams leaving the drinking water.

Councilwoman Bartolotta asks for General Counsel and Michiel Wackers. She has questions regarding agenda item 13D. The ordinance passed states all applications shall be submitted prior to building permits issued and she reads further. This project is complete. Attorney Smith responds there is no CO for the project. Councilwoman Bartolotta states it can be considered as long as there is a financial need. Attorney Smith defers to Mr. Wackers and that is the problem here. It does appear to follow the ordinance. Michiel Wackers comes forward. Councilwoman Bartolotta asks if there is a financial hardship. Mr. Wackers states this was before Economic Development and there were a number of issues that raised the costs of development. For what they did, they came across challenges and he urges the Council to grant the Tax Abatement. Councilwoman Bartolotta states we are for abatements for the right reasons; what is the hardship here and do they fit into this. Mr. Wackers states the site had fill that was not for development and it was mostly discarded household objects and they had to remove them and bring in new fill and it wasn't part of the development costs and they wanted some assistance to reduce their burden and Economic Development agreed with that. Councilwoman Bartolotta states there is a formula in there; Mr. Wackers states that is his formula to look at the city. They did make an investment of over \$3 million in the first phase of the project and there are two more phases. Councilwoman Bartolotta asks if they are looking for a tax abatement for the next two phases. MR. Wackers states they have not come forward with any proposal and the Council will have to vote on it. Councilwoman Bartolotta states is there more information. Mr. Wackers states the proprietary financials; they don't have a copy of them.

#### **3. Questions to Directors Closes.**

The Acting Chair, seeing no more questions to Directors, closes questions to directors and asks for a motion to adjourn.

#### **4. Meeting adjourned.**

Councilman Sebastian N. Giuliano reads and moves for approval adjourning the meeting. Councilwoman Deborah A. Kleckowski seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Sebastian N. Giuliano, Councilman Philip Pessina, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no

one and 1 absent by Councilman Grady L. Faulkner, Jr.. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

The Acting Chair states the motion passes unanimously and adjourns the meeting at 6:48 p.m.

ATTEST:

MARIE O. NORWOOD  
COMMON COUNCIL CLERK